

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

In re Lion Air Flight JT 610 Crash

Lead Case: 1:18-cv-07686

Honorable Thomas M. Durkin

This filing applies to  
All Cases

**THE BOEING COMPANY'S FOURTH STATUS REPORT  
ON REMAINING INDIVIDUAL ACTIONS**

Boeing hereby provides an updated report on the number and status of the remaining individual actions.

As previously reported, more than 90% of the claims arising from the tragic Lion Air flight JT610 flight have been settled. Boeing appreciates the assistance of the mediator, Judge Donald O'Connell, in reaching these settlements. Boeing continues to engage in good-faith negotiations through Judge O'Connell on the claims that have not yet been settled. While Boeing believes that continued discussions will result in settlement of additional claims, Boeing notes that a few plaintiffs' claims have been mediated repeatedly without settlement. A few other plaintiffs who settled months ago in mediation have yet to agree to execute their settlement agreements and those settlements may not be capable of being finalized. Despite these issues, Boeing respectfully requests that the Court continue to stay the litigation through the end of 2020 and allow the parties to continue to engage in mediations.

**Background**

The Plaintiffs and Boeing committed at the outset to negotiate in good faith to settle these claims for full compensatory damages under the applicable law as assessed based on the facts and circumstances of each case. May 17, 2019 Joint Case Management Report at 1. The Court adopted the parties' proposal and struck all pending deadlines in the litigation to allow the

settlement negotiations and mediations to proceed. May 20, 2019 Docket Entry. The parties then began mediating with the assistance of mediator Hon. Donald O'Connell, former Chief Judge of the Circuit Court of Cook County. The first mediation was held on July 16, 2019. The parties have made substantial progress resolving claims over the past year, including using virtual mediations due to the COVID-19 pandemic.

### **Status of Individual Actions**

Detailed information on the filed cases is provided below, but the following charts provide a high-level summary of the status of the claims brought in the litigation.

<b>By Action</b>	
Dismissed	61
Expected to be Dismissed	13
Remaining	9
<b>Total</b>	<b>83</b>

<b>By Decedent</b>	
Fully Settled	142
Partially Settled	4
Fully Unsettled	8
<b>Total</b>	<b>154</b>

To date, 83 individual actions arising out of the October 29, 2018 accident involving Lion Air Flight JT 610 have been filed in or removed to this Court. The complaints in these actions assert wrongful death and other claims on behalf of 154 different decedents out of the 189 people

who were on board the accident aircraft.<sup>1</sup> Of the 154 claims filed in this Court, 146 have fully or partially settled and are at various stages of being finalized, as discussed below.

The claims relating to 124 decedents have been settled and fully dismissed, either as a result of a stipulation of dismissal or a motion for approval of the settlement.<sup>2</sup> These stipulations and motions resulted in full dismissal of 61 of the 83 actions filed so far, leaving 22 individual actions that are currently open. A list of those 22 actions follows below. The 22 open actions involve claims on behalf of 26 different decedents.

Of the claims for 26 decedents in the open actions, the plaintiffs and Boeing have fully or partially settled the claims for 18 of those decedents. These settlements are in the process of being fully documented. Boeing expects that these settlements will lead to additional stipulations of dismissal and motions for approval of the settlements in the near future. Boeing expects that the dismissal of these claims will include the full dismissal of 13 of the 22 currently open actions. Boeing is engaged in settlement discussions and/or mediations with plaintiffs' counsel on the remaining filed claims that have not yet settled.

Considering all claims without regard to whether the claims have been filed in this Court yet or not, 175 claims have fully or partially settled. The claims for 33 decedents that have not yet been filed with this Court have been presented to Boeing's counsel by various plaintiffs' firms. 29 of these 33 unfilled claims have already fully or partially settled. Boeing is engaged in settlement discussions with plaintiffs' counsel on the remaining unsettled, unfilled claims. Boeing expects that many if not all of the 33 currently unfilled claims will eventually be brought before this Court either through amendment of existing complaints or the filing of new actions.

---

<sup>1</sup> Although the claims relating to some decedents have been included in multiple, separate actions, there are 154 different, unique decedents represented in the cases filed to date.

<sup>2</sup> A dispute has arisen between plaintiffs' firms with regard to two claims that settled at a mediation in February. The scope of the dispute includes the issue of whether the plaintiffs agreed to the settlements or not. For the time being, Boeing continues to consider those claims as settled, but notes the dispute for the Court's information.

**List of Currently Open Actions**

<b>CASE NO.</b>	<b>CASE NAME</b>
1:18-cv-07686	In re: Lion Air Flight JT 610 Crash Saputra, et al. v. The Boeing Company
1:19-cv-00797	Kurniawati v. The Boeing Company
1:19-cv-01552	Chandra v. The Boeing Company
1:19-cv-01588	Ellisa v. The Boeing Company
1:19-cv-01601	Subekti v. The Boeing Company
1:19-cv-01623	Pranata v. The Boeing Company
1:19-cv-01701	Wijaya, et al. v. The Boeing Company
1:19-cv-02214	Putra v. The Boeing Company
1:19-cv-02764	Oktaviani, et al. v. The Boeing Company
1:19-cv-02774	Agnes Tjandra, et al. v. The Boeing Company
1:19-cv-02919	Rosanna Simarmata, et al. v. The Boeing Company
1:19-cv-03415	Soegiyono v. The Boeing Company
1:19-cv-05217	Komar, et al. v. The Boeing Company
1:19-cv-05220	Liyanah, et al. v. The Boeing Company
1:19-cv-05311	Soegiyono v. The Boeing Company
1:19-cv-07091	Smith, et al. v. The Boeing Company, et al,
1:20-cv-02643	Abidin, et al. v. The Boeing Company
1:20-cv-03248	Zen v. The Boeing Company
1:20-cv-04137	Suryati v. The Boeing Company
1:20-cv-04795	Erni v. The Boeing Company
1:20-cv-05498	Sethi v. The Boeing Company

CASE NO.	CASE NAME
1:20-cv-05773	Khan v. The Boeing Company

### **Conclusion**

Pursuant to the mediation process approved by the Court and with the assistance of Judge O'Connell, the parties have made remarkable progress in resolving these claims. While some issues have arisen with a few of the remaining claims, Boeing believes that additional claims will be resolved through further negotiations and mediations. Boeing therefore respectfully requests that the Court continue to stay the litigation through the end of 2020 and allow the parties to continue to engage in mediations.

DATED: October 13, 2020

**THE BOEING COMPANY**

By: /s/ Mack H. Shultz, Jr.

*One of its Attorneys*

Bates McIntyre Larson  
[BLarson@perkinscoie.com](mailto:BLarson@perkinscoie.com)  
 Daniel T. Burley  
[DBurley@perkinscoie.com](mailto:DBurley@perkinscoie.com)  
**Perkins Coie LLP**  
 131 S. Dearborn, Suite 1700  
 Chicago, Illinois 60603-5559  
 Phone: (312) 324-8400  
 Fax: (312) 324-9400

Mack H. Shultz  
[MShultz@perkinscoie.com](mailto:MShultz@perkinscoie.com)  
 Gretchen M. Paine  
[GPaine@perkinscoie.com](mailto:GPaine@perkinscoie.com)  
**Perkins Coie LLP**  
 1201 Third Avenue, Suite 4900  
 Seattle, Washington 98101-3099  
 Phone: (206) 359-8000  
 Fax: (206) 359-9000

### **CERTIFICATE OF SERVICE**

I, Mack H. Shultz, Jr., certify that on October 13, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all attorneys of record. I also certify that I served the foregoing by email to the following attorneys:

Filippo Marchino

[fm@xlawx.com](mailto:fm@xlawx.com)

Tom Cassaro

[tc@xlawx.com](mailto:tc@xlawx.com)

Thomas Gray

[tg@xlawx.com](mailto:tg@xlawx.com)

**THE X-LAW GROUP, P.C.**

625 Fair Oaks Ave., Suite 390

South Pasadena, CA 91030

Tel: (213) 599-3380

I certify under penalty of perjury that the foregoing is true and correct.

DATED this 13th day of October 2020.

/s/ Mack H. Shultz, Jr.

**PERKINS COIE LLP**

1201 Third Avenue, Suite 4900

Seattle, Washington 98101-3099

Phone: (206) 359-8000

Fax: (206) 359-9000